

**UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PATRICIA DONITHAN	:	
50 THRIFTON ROAD	:	
GREENFIELD, OHIO 45123	:	
PLAINTIFF,	:	CASE NO.
	:	JUDGE
v.	:	COMPLAINT
OHIO DEPARTMENT OF	:	
REHABILITATION & CORRECTION	:	<u>JURY DEMAND ENDORSED</u>
4545 FISHER ROAD, SUITE D	:	<u>HEREON</u>
COLUMBUS, OHIO 43228	:	
DEFENDANT.	:	

PARTIES

Plaintiff, Patricia Donithan, complaining and seeking declaratory, injunctive and equitable relief, damages, attorney's fees and costs against Ohio Department of Rehabilitation and Correction (hereinafter "Defendant"), alleges as follows:

1. Plaintiff is an individual citizen of the State of Ohio, City of Greenfield, County of Ross.
2. Defendant is an agency of the State of Ohio with a headquarters located at 4545 Fisher Road, Suite D, Columbus, Ohio, Franklin County.

JURISDICTION AND VENUE

3. Jurisdiction is based upon 28 USC Section 1331 because the action arises under the laws of the United States, and under 29 USC 2601 *et. seq.* (Family and Medical Leave Act).
4. Venue is lies in the Southern District of Ohio pursuant to 28 U.S.C. Section 1391 based upon the illegal acts of Defendant which occurred in the County of Franklin, State of Ohio.

CLAIM FOR RELIEF: VIOLATION OF FAMILY AND MEDICAL LEAVE ACT
("FMLA"), RETALIATION, 29 U.S.C. §2601 *et. seq.*

5. The allegations of the prior paragraphs are incorporated as if fully set forth below.

6. During the course of her employment with Defendant, Plaintiff's father suffered from several heart conditions/impairments.

7. The Plaintiff's father's medical conditions/impairments constituted serious health conditions.

8. Plaintiff required and requested leave from work in order to care for her father's serious medical conditions. Plaintiff exercised her rights under the FMLA, 29 U.S.C. §2601 *et. seq* by obtaining and/or requesting leave of absence from work because of her father's serious medical conditions.

9. Plaintiff's exercise of her rights under the FMLA constituted protected activity under the FMLA, 29 U.S.C. §2601 *et. seq.*

10. Defendant denied the Plaintiff promotions and engaged in other misconduct because she requested leave for her father's serious medical conditions.

11. Defendant's adverse actions were taken because of Plaintiff's exercise of her rights under the FMLA, 29 U.S.C. §2601 *et. seq.*

12. Defendant's conduct was intentional, willful, and wanton and violated the FMLA, 29 U.S.C. §2601 *et. seq.*

13. Defendant acted with malice and ill will toward Plaintiff without regard for her legal rights violating the FMLA, 29 U.S.C. §2601 *et. seq.*

14. As a direct and proximate result of Defendant's conduct as set forth above, Plaintiff has suffered loss of compensation, loss of fringe benefits, loss of loss of future earnings, future earning capacity, loss of retirement, loss of reputation, humiliation, embarrassment, loss of self-esteem, other emotional distress, adverse health, and loss of time and money endeavoring to protect herself from Defendant's unlawful discrimination, including costs, expert's fees and attorney's fees.

WHEREFORE, Plaintiff prays, as to Defendant, as follows:

- (a) That this Court award such equitable relief as is proper;
- (b) That this Court award back pay, front pay and benefits;
- (c) That this Court award loss of retirement;
- (d) That this Court award liquidated damages;
- (e) That this Court award Plaintiff all consequential damages;
- (f) That this Court award Plaintiff punitive damages;
- (g) That this Court award Plaintiff reasonable attorney's fees and the costs of this action; and
- (h) That this Court grant Plaintiff such other and further relief as may be just and equitable.

Respectfully submitted,

/s/Rayl L. Stepter
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Trial Attorney for Plaintiff

JURY DEMAND

Plaintiff demands trial by jury.

/s/Rayl L. Stepter
Rayl L. Stepter (0047505)
Trial Attorney for Plaintiff